

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Alan Kachalsky, Christina Nikolov, Eric Detmer,	:
Johnnie Nance, Anna Marcucci-Nance,	:
and Second Amendment Foundation, Inc.,	:
	:
Plaintiffs,	:
	:
-against-	:
	:
Susan Cacace, Jeffrey A. Cohen,	:
Albert Lorenzo, Robert K. Holdman	:
and County of Westchester,	:
	:
Defendants.	:
-----X	

**Civil Action Number:
10-cv-5413

(Hon. Cathy Seibel)**

DECLARATION OF THE HONORABLE ALBERT LORENZO

The undersigned declares under penalty of perjury and in accordance with 28 U.S.C. §1746 as follows:

1. I am a Defendant herein and submit this declaration in support of the State Defendants' Cross-Motion for Summary Judgment and in opposition to the Plaintiffs' Motion for Summary Judgment based on my personal knowledge.
2. I currently serve as an Acting Justice for the Supreme Court of the State of New York, Westchester County. I have served as a judge for 8 years. Pursuant to New York State Penal Law § 265.00 (10) one of my duties as an Acting Justice in Westchester, is to act as a Westchester County handgun licensing officer. As such, I am familiar with the practices and procedures regarding the application for, and issuance of, pistol, or handgun, permits in Westchester. As pertains to this controversy, I rendered a Decision denying the application of plaintiff, Eric R. Detmer, to amend, or change, his current pistol permit for target shooting, to a "full carry" license.

3. In my role as a handgun licensing officer, I am presented with a packet of materials, including the application and the applicant's supporting documents; the results of any and all criminal and mental health background checks performed by the Department of Public Safety for Westchester, who, pursuant to Penal Law § 400.00 (4) is charged with investigating an applicant's background and application statements; and the recommendations of the various levels of the Department of Public Safety. The materials I reviewed in connection with Detmer's amendment application are annexed to the Affirmation of Anthony J. Tomari, sworn to January 25, 2011, submitted in support of the State Defendants' Cross-Motion for Summary Judgment ("Tomari Aff.") as Exhibit H.

4. After reviewing the materials related to Mr. Detmer's application, I denied his application for a full carry pistol license, and informed him through correspondence dated September 27, 2010. A copy of my September 27, 2010 correspondence to Mr. Detmer is annexed to the Tomari Aff as Exhibit P.

5. As my September 27, 2010 correspondence stated, I denied Mr. Detmer's application to change his current license which permits target shooting, to an unrestricted, full carry pistol permit, because I saw no justification warranting a "full carry" permit for Mr. Detmer.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 19, 2011
White Plains, New York


ALBERT LORENZO